

January 10, 2005

**By Electronic Filing**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 200002

RE: DIRECTV Service to Hawaii and Alaska; MB Docket No. 03-82; **Ex Parte**

Dear Ms Dortch:

On September 29, Tom Brady and Chuck Schumann of Microcom met with Chairman Martin and members of his staff to discuss issues with DBS service to Alaska and Hawaii.

We presented the attached documents to Chairman Martin and made two recommendations to the Chairman concerning DBS and other satellite services to Alaska and Hawaii.

The first recommendation was to create separate sections in the Multichannel Video Competition Report that covers Alaska and Hawaii only. This would be the means of evaluating the effectiveness of geographic service rules on the competitiveness of the multichannel video marketplace.

The second recommendation was to include in the review of space station applications, an examination of the service offered to Alaska and Hawaii.

Respectfully Submitted

Tom Brady  
Engineering Manager

10/10/2006

## DBS Geographic Service Rules

### § 100.53 Geographic service requirements.

(a) Those holding DBS permits or licenses as of January 19, 1996 must either:

(1) Provide DBS service to Alaska and Hawaii from one or more orbital locations before the expiration of their current authorizations; or

(2) Relinquish their western DBS orbital/channel assignments at the following orbital locations: 148° W.L., 157°W.L., 166° W.L., and 175° W.L.

(b) Those acquiring DBS authorizations after January 19, 1996 must provide DBS service to Alaska and Hawaii where such service is technically feasible from the acquired orbital location.

[60 FR 65595, Dec. 20, 1995]

FCC 02-110: Specifically, the Commission clarifies that it will consider a DBS provider to be in compliance with this requirement, contained in Sec. 100.53 of the Commission's rules, only if it offers packages of services in Alaska and Hawaii that are reasonably comparable to what the provider offers in the contiguous 48 states.

*Comparable: able to be compared or worthy of comparison*

*Synonyms 1. like, equal, equivalent, similar.*

### 48 States

### Alaska

DirecTV 1995 \$99



DirecTV 1995 \$1800



DirecTV 2005  
\$0



DirecTV 2005 \$1500








DirecTV 2006 \$0








DirecTV 2006 \$400



<p>Dish Network 1996 \$99</p> 	<p>Dish Network 1996    \$1500</p> 
<p>Dish Network 2006 \$0</p> 	<p>Dish Network 2006 \$1349.99 (Limited HD Services)</p>  

## Other Consumer Satellite Services

<p>XM Radio 2006</p> 	<p>No Service</p>
<p>Sirius Radio 2006</p> 	<p>No Service</p>
<p>Wild Blue 2006</p> 	<p>No Service</p>
<p>Starband 2006 \$499</p> 	<p>Starband 2006      \$1899</p> 

## **1. DBS Review**

- No consumer believes service available today is comparable.
- Economics drives use of only one orbital position for core service
  - Why has this happened?
    - Not so much technical as we just get forgotten.
    - In the words of one DBS provider, "It probably would not have cost anything to make it better had it been planned that way from the beginning."

## **2. Existing Geographic Service Rules**

- Currently measures available programming not the market impact of the service.
- The goal is to provide competition so that should be the way we measure it.
- Existing rules do not apply to FSS or foreign platforms.

## **3. Other Satellite Delivered Consumer Services**

- No rules apply on satellite radio and broadband
- We are left out because we are forgotten and not exclusively for technical reasons.

## **4. New Spectrum**

- The major portion of the best spectrum available today to serve Alaska and Hawaii is not used to do this.
- We must be careful that we do not disadvantage segments of the country in the process of dispersing this new resource.

## **Suggestions:**

- Measure competition separately in the Multi-Channel Video Competition Report.
- Add check box on every space station application for service to Alaska and Hawaii.